

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	:	
	:	
<b>Plaintiff,</b>	:	<b>2:22-cr-098</b>
	:	<b>JUDGE MORRISON</b>
<b>v.</b>	:	
	:	
<b>(1) BRIAN R. CUNNINGHAM,</b>	:	
	:	
<b>(2) TYSON RATHBURN,</b>	:	
	:	
<b>(3) CHARLES L. JACKSON,</b>	:	
<b>a/k/a/ "Apollo,"</b>	:	
	:	
<b>(4) MARTINO D. LORENZI,</b>	:	
	:	
<b>and</b>	:	
	:	
<b>(5) ANTHONY D. REDMOND,</b>	:	
	:	
<b>Defendants.</b>	:	

**PRELIMINARY ORDER OF FORFEITURE**

WHEREAS, in accordance with Rule 32.2 of the Federal Rules of Criminal Procedure, the Indictment (Doc. 18) returned in this action contained a Forfeiture Allegation notifying Defendants Brian R. Cunningham, Tyson Rathburn, Charles L. Jackson, a/k/a "Apollo," Martino D. Lorenzi, and Anthony D. Redmond that upon conviction of the offense alleged in Count 1 of the Indictment, Conspiracy to Deal in Firearms Without a License, in violation of in the violation of 18 U.S.C. § 371 (based on violations of 18 U.S.C. §§ 922(a)(1)(A) and 924(a)(1)(D)), they shall forfeit to the United States all firearms and ammunition involved in such offense, including, but not limited to the following:

- a) A Smith & Wesson .556 Rifle, S/N TU36643 (ATF Item #2)
- b) A Smith & Wesson .556 Rifle, S/N TU11092 (ATF Item #3)
- c) A Smith & Wesson .556 Rifle, S/N TU19337 (ATF Item #4)
- d) A Smith & Wesson .556 Rifle, S/N TU37991 (ATF Item #5)
- e) A Smith & Wesson .556 Rifle, S/N TU36541 (ATF Item #6)
- f) A Smith & Wesson .556 Rifle, S/N TU11085 (ATF Item #7)
- g) A Smith & Wesson .556 Rifle, S/N TU36542 (ATF Item #8)
- h) A Smith & Wesson .22 Rifle, S/N LAU2771 (ATF Item #9)
- i) A Smith & Wesson .556 Rifle, S/N TU19332 (ATF Item #10)
- j) A Smith & Wesson .556 Rifle, S/N TU36259 (ATF Item #11)
- k) A Smith & Wesson .556 Rifle, S/N TU17702 (ATF Item #12)
- l) A Savage Arms .22 Rifle, S/N 3855275 (ATF Item #13)
- m) A Savage Arms .22 Rifle, S/N 3759833 (ATF Item #14)
- n) A Savage Arms .22 Rifle, S/N 3852048 (ATF Item #16)
- o) A Savage Arms .22 Rifle, S/N 3852036 (ATF Item #17)
- p) A Savage Arms .22 Rifle, S/N 3855286 (ATF Item #18)
- q) A Savage Arms .22 Rifle, S/N 3855277 (ATF Item # 19)
- r) A Savage Arms .22 Rifle, S/N 3759831 (ATF Item #20)
- s) A Savage Arms .308 Rifle, S/N P164717 (ATF Item #23)
- t) A Savage Arms .308 Rifle, S/N P160352 (ATF Item #24)
- u) A Savage Arms .22 Rifle, S/N 3848359 (ATF Item #25)
- v) A Savage Arms .17 Rifle, S/N P164788 (ATF Item #26)
- w) A Savage Arms .22 Rifle, S/N 3816430 (ATF Item #27)

- x) A Federal Armament Rifle, S/N 21-AS20788 (ATF Item #28)
- y) A Savage Arms .22 Rifle, S/N 3802944 (ATF Item #29)
- z) A Winchester Shotgun, S/N TR077351YZSP (ATF Item #30)
- aa) A Winchester Shotgun, S/N TR077246YZSP (ATF Item #31)
- bb) A Winchester Shotgun, S/N TR077249YZSP (ATF Item #32)
- cc) A Winchester Shotgun, S/N TR113544YZSP (ATF Item #33)
- dd) A Federal Armament Rifle, S/N B20PX0940 (ATF Item #34)
- ee) An Armsan Silah Sanayi Shotgun, S/N KRP033784 (ATF Item #35)
- ff) A German Sports Guns .22 Rifle, S/N BL54873 (ATF Item #36)
- gg) A North American Arms .22 Revolver, S/N VT21611 (ATF Item #37)
- hh) A North American Arms .22 Revolver, S/N E448317 (ATF Item #38)
- ii) A North American Arms .22 Revolver, S/N E436793 (ATF Item #39)
- jj) A Taurus .22 Pistol, S/N 1PT313309 (ATF Item #40)
- kk) A Bearman Industries .380 Derringer, S/N BT043866 (ATF Item #41)
- ll) A Smith & Wesson 9mm Pistol, S/N LET7675 (ATF Item #42)
- mm) A Taurus .22 Pistol, S/N 1PT463834 (ATF Item #43)
- nn) A Sig-Sauer .22 Pistol, S/N F127252 (ATF Item #44)
- oo) A Sig-Sauer .22 Pistol, S/N F073172 (ATF Item #45)
- pp) A Keltec .22 Pistol, S/N WY9N12 (ATF Item #46)
- qq) A Taurus 9m Pistol, S/N ACC719939 (ATF Item #47)
- rr) A Federal Armament Shotgun, S/N B21-SL0165 (ATF Item #48)
- ss) A Federal Armament Shotgun, S/N B20SM0821 (ATF Item #49)
- tt) A Federal Armament Shotgun, S/N B21-SL0163 (ATF Item #50)

uu)	A Savage .17 Rifle, S/N 2446334	(ATF Item #51)
vv)	A North American Arms .22 Revolver, S/N E442789	(ATF Item #53)
ww)	A Smith & Wesson Revolver, S/N JNM1780	(ATF Item #54)
xx)	A Keltec .22 Pistol, S/N WY2995	(ATF Item #55)
yy)	A Browning .22 Pistol, S/N 515ZP03272	(ATF Item #56)
zz)	A Keystone Sporting Arms .22 Rifle, S/N 1022175	(ATF Item #59)
aaa)	3,747 rounds of assorted ammunition	(ATF Item #61)
bbb)	A Smith & Wesson 9mm Pistol, S/N RHC3918	(ATF Item #62)
ccc)	2,800 rounds of assorted ammunition	(ATF Item #64)
ddd)	1,250 rounds of assorted ammunition	(ATF Item #68)
eee)	A Smith & Wesson .22 Rifle, S/N LAC9931	(ATF Item #69)
fff)	A Glock 9mm Pistol, S/N AGGM399	(ATF Item #75)
ggg)	A Glock 9mm Pistol, S/N AGGM398	(ATF Item #77)
hhh)	A Glock 9mm Pistol, S/N BWHV619	(ATF Item #79)
iii)	A Glock 9mm Pistol, S/N BWHV517	(ATF Item #81)
jjj)	A Glock 9mm Pistol, S/N AGLZ396	(ATF Item #83)
kkk)	A Glock 9mm Pistol, S/N AGLZ404	(ATF Item #85)
lll)	A Glock 9mm Pistol, S/N AGLZ391	(ATF Item #87)
mmm)	A Glock .40 Pistol, S/N BWHT656	(ATF Item #89)
nnn)	A Taurus 9mm Pistol, S/N 1KA20319	(ATF Item #91)
ooo)	A Taurus 9mm Pistol, S/N 1KA21029	(ATF Item #93)
ppp)	A Taurus 9mm Pistol, S/N 1KA21009	(ATF Item #95)
qqq)	A Taurus 9mm Pistol, S/N 1KA19705	(ATF Item #97)

rrr)	A Taurus 9mm Pistol, S/N 1KA20369	(ATF Item #99)
sss)	A Taurus 9mm Pistol, S/N 1KA20370	(ATF Item #101)
ttt)	A Glock 9mm Pistol, S/N BURT113	(ATF Item #110)
uuu)	A Taurus .38 Revolver, S/N ACN735467	(ATF Item #112)
vvv)	A Taurus .38 Revolver, S/N ACM669152	(ATF Item #114)
www)	A Taurus .38 Revolver, S/N ACM687206	(ATF Item #116)
xxx)	A Taurus .38 Revolver, S/N ACN735486	(ATF Item #118)
yyy)	A Taurus .38 Revolver, S/N ACN735462	(ATF Item #120)
zzz)	A Taurus 9mm Pistol, S/N 1KA29133	(ATF Item #122)
aaaa)	A Taurus 9mm Pistol, S/N 1KA20237	(ATF Item #124)
bbbb)	A Taurus 9mm Pistol, S/N 1KA20235	(ATF Item #126)
cccc)	A Taurus 9mm Pistol, S/N 1KA20137	(ATF Item #128)
dddd)	A Taurus 9mm Pistol, S/N 1KA29197	(ATF Item #130)
eeee)	A Taurus 9mm Pistol, S/N 1KA20248	(ATF Item #133)
ffff)	A Taurus 9mm Pistol, S/N 1KA28816	(ATF Item #135)
gggg)	A Taurus 9mm Pistol, S/N 1KA20130	(ATF Item #137)
hhhh)	A Taurus 9mm Pistol, S/N 1KA20133	(ATF Item #139)
iiii)	A Taurus 9mm Pistol, S/N 1KA20229	(ATF Item #141)
jjjj)	A Taurus 9mm Pistol, S/N 1KA20132	(ATF Item #143)
kkkk)	A Taurus 9mm Pistol, S/N 1KA19613	(ATF Item #145)
llll)	A Taurus 9mm Pistol, S/N 1KA20134	(ATF Item #147)
mmmm)	A Taurus 9mm Pistol, S/N 1KA20129	(ATF Item #149)
nnnn)	A Taurus 9mm Pistol, S/N 1KA19610	(ATF Item #151)

oooo)	A Tisas-Trabzon .45 Pistol, S/N T0620-21Z13880	(ATF Item #154)
pppp)	A Tisas-Trabzon .45 Pistol, S/N T0620-21Z15573	(ATF Item #156)
qqqq)	A CANIK55 9mm Pistol, S/N T6472-21 CB 58663	(ATF Item #158)
rrrr)	A Tisas-Trabzon .45 Pistol, S/N T0620-21Z23619	(ATF Item #160)
ssss)	A Tisas-Trabzon .45 Pistol, S/N T0620-21Z23618	(ATF Item #162)
tttt)	6 rounds of assorted ammunition	(ATF Item #195)
uuuu)	A SCCY Industries 9mm Pistol, S/N 267407	(ATF Item #212)
vvvv)	A SCCY Industries 9mm Pistol, S/N 296493	(ATF Item #213)
wwwv)	A SCCY Industries 9mm Pistol, S/N 296546	(ATF Item #214)
xxxx)	A SCCY Industries 9mm Pistol, S/N 296463	(ATF Item #215)
yyyy)	A SCCY Industries 9mm Pistol, S/N 296545	(ATF Item #216)
zzzz)	A SCCY Industries 9mm Pistol, S/N 305936	(ATF Item #217)
aaaaa)	A SCCY Industries 9mm Pistol, S/N 267359	(ATF Item #218)
bbbbb)	A SCCY Industries 9mm Pistol, S/N 267392	(ATF Item #219)
ccccc)	A SCCY Industries 9mm Pistol, S/N 296552	(ATF Item #220)
ddddd)	A SCCY Industries 9mm Pistol, S/N 296496	(ATF Item #221)
eeeee)	A SCCY Industries 9mm Pistol, S/N 305961	(ATF Item #222)
fffff)	A SCCY Industries 9mm Pistol, S/N 305963	(ATF Item #223)
ggggg)	A SCCY Industries 9mm Pistol, S/N 296553	(ATF Item #224)
hhhhh)	A SCCY Industries 9mm Pistol, S/N 296468	(ATF Item #225)
iiii)	A SCCY Industries 9mm Pistol, S/N 267360	(ATF Item #226)
jjjjj)	A SCCY Industries 9mm Pistol, S/N 267393	(ATF Item #227)

AND WHEREAS, all of the defendants have entered into Plea Agreements in this case:

a. On July 20, 2022, a Plea Agreement (Doc. 45) was filed in this case in which Defendant Brian R. Cunningham agreed to plead guilty to Count 1 of the Indictment. As part of his Plea Agreement, Defendant Cunningham also agreed, pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), to forfeit all of his right, title, and interest in all firearms and ammunition described in the subject property and acknowledged that this property is subject to forfeiture as firearms and ammunition involved in the commission of the offense outlined in Count 1 of the Indictment.

On July 28, 2022, Defendant Brian R. Cunningham appeared before this Court and entered a Plea of Guilty to Count 1 of the Indictment in accordance with his Plea Agreement.

b. On July 8, 2022, a Plea Agreement (Doc. 35) was filed in this case in which Defendant Tyson Rathburn agreed to plead guilty to Count 1 of the Indictment. As part of his Plea Agreement, Defendant Rathburn also agreed, pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), to forfeit all of his right, title, and interest in all firearms and ammunition described in the subject property and acknowledged that this property is subject to forfeiture as firearms and ammunition involved in the commission of the offense outlined in Count 1 of the Indictment.

On July 25, 2022, Defendant Tyson Rathburn appeared before this Court and entered a Plea of Guilty to Count 1 of the Indictment in accordance with his Plea Agreement.

c. On August 12, 2022, a Plea Agreement (Doc. 60) was filed in this case in which Defendant Charles L. Jackson, a/k/a “Apollo,” agreed to plead guilty to Count 1 of the Indictment. As part of his Plea Agreement, Defendant Jackson also agreed, pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), to forfeit all of his right, title, and interest in all firearms and ammunition described in the subject property and acknowledged that this property is subject to forfeiture as

firearms and ammunition involved in the commission of the offense outlined in Count 1 of the Indictment.

On September 6, 2022, Defendant Charles L. Jackson, a/k/a “Apollo,” appeared before this Court and entered a Plea of Guilty to Count 1 of the Indictment in accordance with his Plea Agreement.

d. On October 11, 2022, a Plea Agreement (Doc. 68) was filed in this case in which Defendant Martino D. Lorenzi agreed to plead guilty to Count 1 of the Indictment. As part of his Plea Agreement, Defendant Lorenzi also agreed, pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), to forfeit all of his right, title, and interest in all firearms and ammunition described in the subject property and acknowledged that this property is subject to forfeiture as firearms and ammunition involved in the commission of the offense outlined in Count 1 of the Indictment.

On November 3, 2022, Defendant Martino D. Lorenzi appeared before this Court and entered a Plea of Guilty to Count 1 of the Indictment in accordance with his Plea Agreement.

e. Finally, on November 3, 2022, a Plea Agreement (Doc. 74) was filed in this case in which Defendant Anthony D. Redmond agreed to plead guilty to Count 1 of the Indictment. As part of his Plea Agreement, Defendant Redmond also agreed, pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), to forfeit all of his right, title, and interest in all firearms and ammunition described in the subject property and acknowledged that this property is subject to forfeiture as firearms and ammunition involved in the commission of the offense outlined in Count 1 of the Indictment.

On November 15, 2022, Defendant Anthony D. Redmond appeared before this Court and entered a Plea of Guilty to Count 1 of the Indictment in accordance with his Plea Agreement.



AND WHEREAS, on December 20, 2022, the United States filed a Notice of Completed Forfeiture (Doc. 86) in this case notifying the Court that the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”) as custodian of property in this case, completed the non-judicial (administrative) forfeiture of a portion of the property identified in the Forfeiture Allegation of the Indictment, and more particularly, the firearms and ammunition identified as Items fff through nnnn and Items tttt through jjjjj. Therefore, no further judicial forfeiture action is necessary to complete the forfeiture or disposal of these items.

Therefore, based upon the record of this case and agreement of the parties, the Court finds that the requisite nexus exists between the subject property identified herein and Count 1 of the Indictment, that the subject property is forfeitable under 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), and that the United States is now entitled to possession of the subject property.

Accordingly, it is hereby **ORDERED, ADJUDGED, AND DECREED:**

1. That Defendants Brian R. Cunningham, Tyson Rathburn, Charles L. Jackson, a/k/a “Apollo,” Martino D. Lorenzi, and Anthony D. Redmond shall forfeit to the United States the subject property, that is:<sup>1</sup>

- |    |  |               |
|----|--|---------------|
| a) | A Smith & Wesson .556 Rifle, S/N TU36643 | (ATF Item #2) |
| b) | A Smith & Wesson .556 Rifle, S/N TU11092 | (ATF Item #3) |
| c) | A Smith & Wesson .556 Rifle, S/N TU19337 | (ATF Item #4) |
| d) | A Smith & Wesson .556 Rifle, S/N TU37991 | (ATF Item #5) |
| e) | A Smith & Wesson .556 Rifle, S/N TU36541 | (ATF Item #6) |
| f) | A Smith & Wesson .556 Rifle, S/N TU11085 | (ATF Item #7) |

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<sup>1</sup> For continuity, the Item Numbers used to identify the firearms and ammunition subject to forfeiture under this Preliminary Order of Forfeiture are consistent with the Item Numbers provided for the assets in the Forfeiture Allegation of the Indictment.

- g) A Smith & Wesson .556 Rifle, S/N TU36542 (ATF Item #8)
- h) A Smith & Wesson .22 Rifle, S/N LAU2771 (ATF Item #9)
- i) A Smith & Wesson .556 Rifle, S/N TU19332 (ATF Item #10)
- j) A Smith & Wesson .556 Rifle, S/N TU36259 (ATF Item #11)
- k) A Smith & Wesson .556 Rifle, S/N TU17702 (ATF Item #12)
- l) A Savage Arms .22 Rifle, S/N 3855275 (ATF Item #13)
- m) A Savage Arms .22 Rifle, S/N 3759833 (ATF Item #14)
- n) A Savage Arms .22 Rifle, S/N 3852048 (ATF Item #16)
- o) A Savage Arms .22 Rifle, S/N 3852036 (ATF Item #17)
- p) A Savage Arms .22 Rifle, S/N 3855286 (ATF Item #18)
- q) A Savage Arms .22 Rifle, S/N 3855277 (ATF Item # 19)
- r) A Savage Arms .22 Rifle, S/N 3759831 (ATF Item #20)
- s) A Savage Arms .308 Rifle, S/N P164717 (ATF Item #23)
- t) A Savage Arms .308 Rifle, S/N P160352 (ATF Item #24)
- u) A Savage Arms .22 Rifle, S/N 3848359 (ATF Item #25)
- v) A Savage Arms .17 Rifle, S/N P164788 (ATF Item #26)
- w) A Savage Arms .22 Rifle, S/N 3816430 (ATF Item #27)
- x) A Federal Armament Rifle, S/N 21-AS20788 (ATF Item #28)
- y) A Savage Arms .22 Rifle, S/N 3802944 (ATF Item #29)
- z) A Winchester Shotgun, S/N TR077351YZSP (ATF Item #30)
- aa) A Winchester Shotgun, S/N TR077246YZSP (ATF Item #31)
- bb) A Winchester Shotgun, S/N TR077249YZSP (ATF Item #32)
- cc) A Winchester Shotgun, S/N TR113544YZSP (ATF Item #33)

- dd) A Federal Armament Rifle, S/N B20PX0940 (ATF Item #34)
- ee) An Armsan Silah Sanayi Shotgun, S/N KRP033784 (ATF Item #35)
- ff) A German Sports Guns .22 Rifle, S/N BL54873 (ATF Item #36)
- gg) A North American Arms .22 Revolver, S/N VT21611 (ATF Item #37)
- hh) A North American Arms .22 Revolver, S/N E448317 (ATF Item #38)
- ii) A North American Arms .22 Revolver, S/N E436793 (ATF Item #39)
- jj) A Taurus .22 Pistol, S/N 1PT313309 (ATF Item #40)
- kk) A Bearman Industries .380 Derringer, S/N BT043866 (ATF Item #41)
- ll) A Smith & Wesson 9mm Pistol, S/N LET7675 (ATF Item #42)
- mm) A Taurus .22 Pistol, S/N 1PT463834 (ATF Item #43)
- nn) A Sig-Sauer .22 Pistol, S/N F127252 (ATF Item #44)
- oo) A Sig-Sauer .22 Pistol, S/N F073172 (ATF Item #45)
- pp) A Keltec .22 Pistol, S/N WY9N12 (ATF Item #46)
- qq) A Taurus 9m Pistol, S/N ACC719939 (ATF Item #47)
- rr) A Federal Armament Shotgun, S/N B21-SL0165 (ATF Item #48)
- ss) A Federal Armament Shotgun, S/N B20SM0821 (ATF Item #49)
- tt) A Federal Armament Shotgun, S/N B21-SL0163 (ATF Item #50)
- uu) A Savage .17 Rifle, S/N 2446334 (ATF Item #51)
- vv) A North American Arms .22 Revolver, S/N E442789 (ATF Item #53)
- ww) A Smith & Wesson Revolver, S/N JNM1780 (ATF Item #54)
- xx) A Keltec .22 Pistol, S/N WY2995 (ATF Item #55)
- yy) A Browning .22 Pistol, S/N 515ZP03272 (ATF Item #56)
- zz) A Keystone Sporting Arms .22 Rifle, S/N 1022175 (ATF Item #59)

aaa)	3,747 rounds of assorted ammunition	(ATF Item #61)
bbb)	A Smith & Wesson 9mm Pistol, S/N RHC3918	(ATF Item #62)
ccc)	2,800 rounds of assorted ammunition	(ATF Item #64)
ddd)	1,250 rounds of assorted ammunition	(ATF Item #68)
eee)	A Smith & Wesson .22 Rifle, S/N LAC9931	(ATF Item #69)
oooo)	A Tisas-Trabzon .45 Pistol, S/N T0620-21Z13880	(ATF Item #154)
pppp)	A Tisas-Trabzon .45 Pistol, S/N T0620-21Z15573	(ATF Item #156)
qqqq)	A CANIK55 9mm Pistol, S/N T6472-21 CB 58663	(ATF Item #158)
rrrr)	A Tisas-Trabzon .45 Pistol, S/N T0620-21Z23619	(ATF Item #160)
ssss)	A Tisas-Trabzon .45 Pistol, S/N T0620-21Z23618	(ATF Item #162)

2. That the designated agent with the ATF shall immediately seize the subject property and hold same in its secure custody and control.

3. That the United States is authorized to conduct any discovery proper in identifying, locating or disposing of the subject property in accordance with Fed. R. Crim. P. 32.2(b)(3).

4. That, in accordance with 21 U.S.C. § 853(n), as incorporated by 28 U.S.C. § 2461(c), and Fed. R. Crim. P. 32.2(b)(6), the United States shall publish notice of this Order and of its intent to dispose of the subject property in such manner as the Attorney General may direct. The United States shall also provide written notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

5. That pursuant to Fed. R. Crim. P. 32.2(b)(4), this Preliminary Order of Forfeiture shall become final as to Defendants Brian R. Cunningham, Tyson Rathburn, Charles L. Jackson, Martino D. Lorenzi, and Anthony D. Redmond at the time of sentencing and shall be made part of their sentences and included in their judgments. If no third party files a timely claim, the United

States may, as provided by Fed. R. Crim. P. 32.2(c)(2), notify the Court that this Order shall become the Final Order of Forfeiture.

6. That following the Court's disposition of all petitions filed in accordance with 21 U.S.C. § 853(n), or, if no such petitions are filed, following the expiration of the period for the filing of such petitions, the United States shall have clear title to the subject property.

7. That the Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

**ORDERED** this 23rd day of January, 2023.

s/ Sarah D. Morrison  
HONORABLE SARAH D. MORRISON  
UNITED STATES DISTRICT JUDGE

Respectfully submitted

KENNETH L. PARKER  
United States Attorney

s/Noah R. Litton  
NOAH R. LITTON (0090479)  
Assistant United States Attorney